

04/18/00



Jv809 U.S. PTO

04-19-00

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A 8-25-00  
M.L.

Docket No.: AM9-98-080C

## DIVISION-CONTINUATION PROGRAM APPLICATION TRANSMITTAL FORM

## ANTICIPATED CLASSIFICATION OF THIS APPLICATION

Class: unk.

Subclass: unk.

## PRIOR APPLICATION

Examiner: Namazi

Art Unit: 2759

jc564 U.S. PTO  
09/551745  
04/18/00

To the Commissioner of Patents and Trademarks:

This is a Request for filing a continuation application under 37 CFR 1.60, of pending prior application Serial No. 09/113,752, filed July 10, 1998.

**PLEASE NOTE: THE CURRENT CLAIMS WERE REJECTED IN THE PARENT APPLICATION ON THE BASIS OF U.S. PATENT NO. 5,761,716 TO BYRN, WHICH IS OWNED BY THE SAME ASSIGNEE WHO OWNS THE PRESENT INVENTION AND WHICH IS PRIOR ART UNDER 35 U.S.C. §102(e). APPLICANTS BELIEVE THAT THE EXAMINER SHOULD CONSIDER WITHDRAWING THE BYRN REFERENCE OWING TO THE RECENT CHANGE TO 35 U.S.C. 103(c) EFFECTED BY THE "AMERICAN INVENTOR PROTECTION ACT OF 1999", §4807.**

- (X) Enclosed is a copy of the latest inventor-signed prior application, including the oath or declaration as originally filed. I hereby verify that the attached papers are a true copy of the latest inventor-signed prior application as originally filed, and further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
- (X) The inventor in this application is the same as in the previously filed application, and the prior application was assigned of record to International Business Machines Corp.
- (X) Cancel in this application original Claims 2, 15, 19, 23, and 24 of the prior application before calculating the filing fee.

(X) The filing fee is calculated below:

| FOR<br>LARGE ENTITY  | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE  | FEE   |
|--|-----------------|-----------------|-------|-------|
| Basic Fee  |                 |                 | \$690 | \$690 |
| Total Claims   | 19 - 20 =       | 0 ×             | \$ 18 | \$0   |
| Independent Claims   | 4 - 3 =         | 1 ×             | \$ 78 | \$ 78 |
| If application contains any multiple dependent claims(s), then add |                 |                 | \$130 | \$0   |
| TOTAL FILING FEE   |                 |                 |       | \$768 |

(X) Please charge the filing fee to deposit account 09-0441.

(X) Amend the specification by inserting before the first line the sentence: "This application is a continuation of application serial no. 09/113,752, filed July 10, 1998, from which priority is claimed." *Now U. S. Pat. No. 6,182,197*

(X) Return prepaid postcard.

(X) The power of attorney in the prior application is to the law firm of Rogitz & Associates, and appears in the original papers in the prior application.

Address all future communications to: John L. Rogitz, Rogitz & Associates, 750 B Street, Suite 3120, San Diego, California 92101

Signature: *John L. Rogitz* /dated: 9/18/00  
John L. Rogitz, Attorney of Record  
Registration No. 33,549

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this document, together with any papers described as attached or enclosed, is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service, Express Mailing label No. EL535054056US under 37 CFR § 1.10, addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231 on

Date Signed: 9/18/00, 2000

*John L. Rogitz*  
JOHN L. ROGITZ, Attorney of Record  
Registration no.: 33,549